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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR		ATTORNEY DOCKET NO.
08/900,486	07/25/97	ANDERSON	E	P132/766

LM21/0908

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EXAMINER	
NGUYEN, T	
ART UNIT	**PAPER NUMBER**
2782	9

DATE MAILED: 09/08/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.	Applicant(s)
08/900,486	Eric Anderson And Patricia Scardino
Examiner	**Group Art Unit**
Tanh Q Nguyen	2782

☒ Responsive to communication(s) filed on *Jul 26, 1999* .

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire *three* month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) *1-29* is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) *1-29* is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐approved ☐disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____ .

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____ .

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

DETAILED ACTION

1. Claims 1, 11, 19 and 21 (all independent claims) have been amended to include a hand-held feature. New claims 22-29 have been added.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-18,21 and 22-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Howes et al.** in view of **Kare et al. (U.S. Pat. No. 5,541,656)**.

As per claims 1-18, 21, **Howes et al**. teaches a system and a method for controlling parameters in an electronic device, comprising:

a series of parameter storage locations for containing value sets corresponding to said parameters (col. 17, lines 39-46);

a set of parameter commands for controlling said value sets (col. 18, lines 9-15);

a parameter manager for executing said set of parameter commands (col. 18 lines 16-18 and lines 38-55);

a current parameters location containing value sets corresponding to current parameters (col. 17, lines 39-42);

a user defaults location containing value sets corresponding to user defaults (col. 17, lines 45-46);

a factory defaults location containing value sets corresponding to factory defaults (col. 17, lines 43-44);

said current parameters location is in a random-access memory (col. 20, lines 18-20);

said user defaults location is in an electrically-erasable programmable read-only memory (col.20, lines 4-7);

said factory defaults location is in a non-volatile memory (col. 19, lines 65-67);

a command to provide one or more of said value sets

from said current parameters location to an external command source (col. 20, lines 49-55);

from said user defaults location to a processor (col. 17, lines 53-59);

from said current parameters location to a processor (col. 20, lines 11-17);

from said factory defaults location to an external command source (col.4, lines 7-14);

a command to set one or more of said value sets

in said current parameters location based on information received from an external command source (col. 20, lines 49-55);

in said user defaults location based on information selectively obtained from one of a processor within said electronic device (col. 20, lines 11-17), an external command source (col. 19, lines 61-64), said current parameters location (col. 20, lines 56-62) and said factory defaults location (col. 17, lines 47-52);

in said current parameters location based on information received from a processor within said electronic device (col. 17, lines 60-62);

a command to restore one or more of said value sets

in said current parameters location to information selected from said factory defaults location (col. 20, lines 66-col.21, lines 4);

in said current parameters location to information selected from said user defaults location (col. 20, lines 41-48 and col.21, lines 5-11);

said set of parameter commands are originated by an external command source and said parameter manager responsively accesses parameter information in a resource file to control said parameters (col. 18, line 6-col. 19, line 34); and

said parameter manager acts on all of said parameters in one of said series of parameter locations if a corresponding one of said set of parameter commands does not specify a particular one of said parameters (col. 18, lines 31-37 and col. 21, lines 52-54).

Howes et al. does not teach specifically teach a hand-held device.

Kare et al., however, teaches a system for controlling parameters in a hand-held digital camera (col. 2, lines 9-23 and lines 36-41).

It would have been obvious to one of ordinary skill in the art to combine the teachings of Howes et al. and Kare et al. because they both direct to controlling parameters in an electronic device and Kare et al.'s teaching of a hand-held digital camera would make the device portable and capable of receiving images electronically as digital data on its on-board memory.

As per claims 22-29, see the 103 rejections to claims 1-18 and 21 above for Kare et al.'s teaching of a hand-held digital camera.

4. Claims 19 and 20 rejected under 35 U.S.C. 103(a) as being unpatentable over Howes, et al. in view of Kare et al. and further in view of **Filion et al.**.

Howes et al. and Kare et al. teach all the features of the invention except a computer-readable medium comprising of program instructions for controlling parameters in an electronic device; whererin said medium is a memory device which is removable for reprogramming, and which contains scripts that execute said set of parameter commands to cause said parameter manager to control said value sets corresponding to said parameters.

Filion et al. , however, teaches such a computer-readable medium for controlling parameters in an electronic device (col. 20, lines 1-8).

It would have been obvious to one of ordinary skill in the art to combine the teachings of Howes et al. and Kare et al. with those of Filion et al. because they all direct to controlling parameters in an electronic device and Filion et al.'s afore mentioned teaching would result in a more flexible system.

Response to Arguments

5. Applicant's arguments filed on July 25, 1999 have been fully considered but they are not persuasive.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., electronic device being hand held) are not recited in the rejected claim(s). Although the claims are

interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

6. Applicant's arguments with respect to claims 1-18, 21 and 19-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Garcia (U.S. Pat. No. 5,848,193) teaches wavelet projection transform features applied to real time pattern recognition.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tanh Quang Nguyen whose telephone number is (703) 305-0138, and whose e-mail address is tanh.nguyen@uspto.gov. The examiner can normally be reached on Monday-Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Lee, can be reached on (703) 305-9717. The fax phone number for the organization where this application or proceeding is assigned is (703) 306-5404.

Any inquiry of a general nature relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Mail responses to this action should be sent to:

Commissioner of Patents and Trademarks

Washington, D. C. 20231

Faxes for formal communications intended for entry should be sent to:

(703) 308-9051,

or, for informal or draft communications, to:

(703) 306-5404 (please label "PROPOSED" or "DRAFT").

Hand-delivered responses should be brought to:

Crystal Park II, 2121 Crystal Drive, Arlington, Va, Sixth Floor (Receptionist).

THOMAS C. LEE
SUPERVISORY PATENT EXAMINER
GROUP 2700

TQN

August 30, 1999